In the Supreme Court of the United States

OCTOBER TERM, 1971

No. 71-1576

ANDY ANDREAS, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

Petitioner was convicted in the United States District Court for the Western District of Missouri on several counts of using the mails in execution of a scheme to defraud in violation of 18 U.S.C. 1343. He was given concurrent sentences of imprisonment for two years on some counts and placed on probation on the others. The court of appeals affirmed the conviction on April 11, 1972. The petition for a writ

of certiorari, filed on May 12, 1972, is out of time under Rule 22(2) of the Rules of the Court. Petitioner's contentions are, in any event, without merit and are fully answered in the opinion below.

It is therefore respectfully submitted that the petion for a writ of certiorari should be denied.

ERWIN N. GRISWOLD,
Solicitor General.

JUNE 1972.

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